UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

In re	Case No. 04-30579-WRS Chapter 7
EDWIN RICK WOOD,	
Debtor	
BARRY HILLIMAN and MARY HILLIMAN,	
Plaintiffs	Adv. Pro. No. 04-3101-WRS
v.	
EDWIN RICK WOOD,	
Defendant	

MEMORANDUM DECISION

This Adversary Proceeding is before the Court upon Plaintiffs Barry Hilliman and Mary Hilliman's motion for default judgment. (Doc. 6). The Hillimans filed a complaint on August 30, 2004, alleging that Wood was indebted to them in the amount of $483,667.00, and that the indebtedness should be excepted from the Debtor's discharge pursuant to 11 U.S.C. § 523(a)(2), (4) or (6). It appears from the Court's record that service of process was made on September 1, 2004. (Doc. 4). The Court's record indicates that Wood has not answered or appeared as required by the Federal Rules of Bankruptcy Procedure. The Court would note parenthetically that Wood has not been granted a discharge and that there are other pending adversary proceedings, at least one of which seeks the denial of Wood's discharge pursuant to 11 U.S.C. § 727.[1] In the event Wood is later denied a discharge, any determination that a given indebtedness

[1] See, DePaola v. Wood, Adversary Proceeding No. 04-3098.

is determined to be excepted from that discharge would become moot. As the issue of Wood's discharge is presently an undecided issue, and as the Hillman's are entitled to judgment by default, the Court will enter judgment in their favor.

Done this 4th day of November, 2004.

/s/ William R.Sawyer
United States Bankruptcy Judge

c: Britt B. Griggs, Attorney for Plaintiffs
Edwin Rick Wood, Defendant